

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07CV215-MU

LIBERTY MUTUAL FIRE INSURANCE)
COMPANY,)

Plaintiff,)

vs.)

ORDER

TRANSPORT INDUSTRIES, L.P.,)
CHEETAH TRANSPORTATION, LLC,)
PAULO P. OLIVIERA, and STEFANIE)
RHENAE OLIVIERA, Administratrix of)
The Estate of Rhenae Bunning Oliveira,)
Deceased,)

Defendants.)

This matter is before the court upon its own motion. Defendant Stefanie Rhenae Oliveira, Administratrix of the estate of Rhenae Bunning Oliveira, has filed a motion to dismiss this declaratory judgment action arguing that it would require the court to decide issues that are already pending in an underlying state wrongful death action. In its Complaint, Plaintiff cites an insurance policy (Policy No. AI2-791-001377-105) issued to Transport Industries, L.P. The Complaint also attaches the Complaint in the underlying state court action, but fails to attach the Amended Complaint in which Cheetah Transportation, LLC, was added as a defendant. The court finds it necessary to review these two documents in determining the pending Motion to Dismiss.

IT IS THEREFORE ORDERED that within ten days of the date of entry of this Order Plaintiff is hereby directed to provide a copy of the insurance policy identified in its Complaint as well as a copy of the Amended Complaint in the state wrongful death case.

Signed: November 26, 2007



Graham C. Mullen
United States District Judge

